

Message Text

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ORIGIN EPA-04

INFO OCT-01 AF-10 EUR-12 EA-09 IO-13 ISO-00 HEW-06
FEA-01 AID-05 CEQ-01 CIAE-00 ERDA-07 COME-00
DODE-00 EB-08 INR-07 L-03 NSF-02 NSC-05 NSAE-00
PM-04 USIA-15 OES-06 SS-15 SP-02 INT-05 PA-02
PRS-01 OIC-02 NSA-01 NASA-02 FAA-00 DOTE-00 /149 R

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EUR/RPE:JPOLANSKY (SUBS)
EUR/SOV:WWILKINSON (SUBS)
FDA:MGILHOOLEY

-----120521Z 028847 /13

R 112155Z APR 77
FM SECSTATE WASHDC
TO AMEMBASSY BERN
AMEMBASSY BONN
AMEMBASSY CANBERRA
AMEMBASSY THE HAGUE
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY NAIROBI
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY TOKYO
USMISSION EC BRUSSELS
USMISSION GENEVA
USMISSION OECD PARIS
INFO USMISSION NATO

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E.O. 11652: NA
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TAGS: SENV, XG, KE, FR

SUBJECT: INTERNATIONAL MEETING ON REGULATION OF CHLORO-
FLUOROCARBON EMISSIONS

REF: STATE 62285

1. AS PROMISED PARA 15 REFTTEL, WE TRANSMIT AVAILABLE ADVANCE INFORMATION ON PLANNED, PROPOSED U.S. REGULATIONS OF NON-ESSENTIAL USES OF FLUOROCARBONS. ADDRESSEES ARE REQUESTED TO PASS THIS MATERIAL TO APPROPRIATE HOST GOVERNMENT OFFICIAL(S). IN SO DOING, PLEASE MAKE FOLLOWING POINT: THE INFORMATION BEING TRANSMITTED IS INFORMAL, UNOFFICIAL, AND DOES NOT REPRESENT ANY FINAL DECISIONS OF THE U.S. REGULATORY AGENCIES. PROPOSED REGULATIONS WILL FIRST BE MADE PUBLIC IN THE U.S. APRIL 26 WHEN THEY ARE PUBLISHED IN THE FEDERAL REGISTER. PUBLIC COMMENT, AGENCY REVIEW, ETC. WILL THEN FOLLOW, AND FINAL REGULATIONS WILL BE PROMULGATED SEVERAL MONTHS LATER.

2. BEGIN TEXT: U.S. APPROACH TO CHLOROFLUOROCARBON REGULATIONS.

ACTIVITY

THERE ARE TWO PHASES OF PLANNED REGULATORY ACTION. THE FIRST WILL ADDRESS REGULATION OF THE NON-ESSENTIAL USES OF CHLOROFLUOROCARBONS AS AEROSOL PROPELLANTS. THE SECOND WILL CONSIDER THE NEED FOR REGULATION OF OTHER USES OF CHLOROFLUOROCARBONS SUCH AS REFRIGERATION, AIR CONDITIONING AND FOAM BLOWING.

THE FIRST PHASE IS MULTIJURISDICTIONAL, AND THE FOOD AND DRUG ADMINISTRATION (FDA), ENVIRONMENTAL PROTECTION AGENCY (EPA), AND CONSUMER PRODUCT SAFETY COMMISSION
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(CPSC) ARE COORDINATING THEIR EFFORTS. ALSO, SINCE OZONE DEPLETION IS A GLOBAL PROBLEM, AN INTERNATIONAL MEETING HAS BEEN PLANNED TO DISCUSS WITH OTHER MAJOR PRODUCING AND USING COUNTRIES THE QUESTION OF HARMONIZING APPROACHES.

BACKGROUND

IN JUNE 1974, A THEORY WAS PRESENTED WHICH SUGGESTED THAT THE CONTINUED RELEASE OF CHLOROFLUOROCARBONS AT CURRENT OR PROJECTED EXPANDING RATES WOULD IN THE FUTURE RESULT IN A SIGNIFICANT DEPLETION OF STRATOSPHERIC OZONE. STRATOSPHERIC OZONE ABSORBS INCOMING ULTRAVIOLET RADIATION FROM THE SUN, PARTICULARLY IN THAT REGION OF THE SPECTRA ASSOCIATED WITH ADVERSE BIOLOGICAL EFFECTS, NOTABLY SKIN CANCER. THE ABSORPTION OF ULTRAVIOLET RADIATION BY STRATOSPHERIC OZONE ALSO PARTICIPATES IN ESTABLISHING THE TEMPERATURE DISTRIBUTION OF THE STRATOSPHERE WHICH MAY BE AN ESSENTIAL FACTOR IN WEATHER AND CLIMATE PATTERNS. THE PREPONDERANCE OF INVESTIGATIONS

SINCE 1974, INCLUDING A MAJOR NATIONAL ACADEMY OF SCIENCES (NAS) STUDY PUBLISHED IN SEPTEMBER 1976, HAVE SUPPORTED OZONE DEPLETION PREDICTIONS AND RECOGNIZED THE EVENTUAL NEED FOR SOME FORM OF LIMITATIONS ON THE CONTINUED RELEASE OF CHLOROFLUOROCARBONS.

AFTER THE PUBLICATION OF THE NAS REPORT, THE ADMINISTRATOR OF EPA FORMED A WORK GROUP TO INITIATE THE REGULATORY PROCESS. THIS GROUP HAS INCLUDED REPRESENTATIVES FROM OTHER FEDERAL AGENCIES AND HAS BEEN A FORUM FOR COORDINATING THE REGULATORY PROPOSALS OF THE VARIOUS AGENCIES INVOLVED. IN ADDITION, EPA'S OFFICE OF RESEARCH AND DEVELOPMENT HAS INITIATED A FOUR-MILLION DOLLAR BIOLOGICAL AND CLIMATIC EFFECTS ((BACER) RESEARCH PROGRAM. THE INFORMATION FROM THIS PROGRAM, EXPECTED IN EARLY 1978, WILL ENABLE THE AGENCY TO REFINE THE ESTIMATES OF THE EFFECTS OF OZONE DEPLETION. THE NATIONAL AERONAUTICS AND UNCLASSIFIED

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SPACE ADMINISTRATION (NASA) WILL PRODUCE ADDITIONAL STRATOSPHERIC EFFECTS DATA IN SEPTEMBER 1977, PRIOR TO THE SCHEDULED DATE FOR PROMULGATION OF FINAL REGULATION OF AEROSOL PROPELLANTS.

EPA REGULATIONS

THE WORK GROUP HAS CONSIDERED THE FOLLOWING MATTERS FOR INCORPORATION IN AN EPA REGULATION:

(1) COMPOUNDS TO BE REGULATED: ALL FULLY HALOGENATED CHLOROFLUOROALKANES.

(2) USES TO BE REGULATED: AN "AEROSOL PROPELLANT" MEANING A LIQUIFIED OR COMPRESSED GAS IN A CONTAINER, WHERE THE PURPOSE OF THE LIQUIFIED OR COMPRESSED GAS IS TO EXPEL FROM THE CONTAINER LIQUID OR SOLID MATERIAL DIFFERENT THAN THE AEROSOL PROPELLANT.

(3) CRITERIA FOR EXCEPTING ESSENTIAL USES:

(A) TECHNICAL FEASIBILITY OF ALTERNATIVE PROPELLANTS AND PRODUCTS;

(B) EFFECT ON THE ECONOMY OF THE PRODUCT, INCLUDING THE ECONOMIC EFFECTS OF REMOVING THE PRODUCT FROM THE MARKET;

(C) ENVIRONMENTAL/HEALTH SIGNIFICANCE OF THE PRODUCT;

(D) EFFECTS ON THE QUALITY OF LIFE RESULTING FROM;

(I) NO LONGER HAVING THE PRODUCT AVAILABLE, AND/OR

(II) USING AN ALTERNATIVE PRODUCT.

(4) EPA RESTRICTIONS UNDER CONSIDERATION:

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(A) ON OR AFTER OCTOBER 15, 1978, NO PERSON MAY MANUFACTURE ANY FULLY HALOGENATED CHLOROFLUOROALKANE FOR ANY AEROSOL PROPELLANT USE EXCEPT AS FOLLOWS:

(I) FOR THOSE ESSENTIAL USES LISTED IN THE EPA REGULATION;

(II) FOR THOSE ESSENTIAL USES LISTED IN THE FDA REGULATION.

(B) ON OR AFTER DECEMBER 15, 1978, NO PERSON MAY PROCESS ANY FULLY HALOGENATED CHLOROFLUOROALKANE FOR ANY AEROSOL PROPELLANT USE EXCEPT AS FOLLOWS:

(I) FOR USE IN AN ARTICLE WHICH IS A FOOD, FOOD ADDITIVE, DRUG, DEVICE, OR COSMETIC (TO BE REGULATED BY FDA)

(II) FOR USE AS A PESTICIDE REGISTERED UNDER SECTION 3 OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT P.L. 92-516 (FIFRA)

(III) FOR THOSE ESSENTIAL USES LISTED IN THE EPA REGULATION

(C) ON OR AFTER DECEMBER 15, 1978, NO PERSON MAY INITIALLY DISTRIBUTE IN COMMERCE ANY FULLY HALOGENATED CHLOROFLUOROALKANE FOR ANY AEROSOL PROPELLANT USE EXCEPT AS FOLLOWS:

(I) FOR USE IN AN ARTICLE WHICH IS A FOOD, FOOD ADDITIVE, DRUG, DEVICE, OR COSMETIC (TO BE REGULATED BY FDA)

(II) FOR THOSE ESSENTIAL USES LISTED IN THE EPA REGULATION

(D) ON OR AFTER APRIL 15, 1979, NO PERSON MAY INITIALLY
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DISTRIBUTE IN COMMERCE ANY ARTICLE CONTAINING FULLY

HALOGENATED CHLOROFLUOROALKANE PROPELLANT EXCEPT FOR THE FOLLOWING ARTICLES:

(I) AN ARTICLE WHICH IS A FOOD, FOOD ADDITIVE, DRUG, OR COSMETIC (TO BE REGULATED BY FDA)

(II) A PESTICIDE PRODUCT REGISTERED UNDER SECTION 3 OF FIFRA

(III) AN ARTICLE LISTED IN THE EPA REGULATION

(E) THE ACT OF IMPORTING IS DEFINED AS MANUFACTURING IN THE TOXIC SUBSTANCES CONTROL ACT P.L. 94-469, THE AUTHORITY TO BE USED BY EPA, AND, HENCE ALL IMPORTING MUST CEASE BY OCTOBER 15, 1978.

(F) THE ACT OF EXPORTING WILL BE INCLUDED IN THE RESTRICTIONS STATED ABOVE.

EPA TIMETABLE FOR REGULATION

APRIL 26, 1977 -- PROPOSED FIRST PHASE REGULATION TO BE PUBLISHED IN THE FEDERAL REGISTER.

AUGUST 1, 1977 -- INFORMAL PUBLIC HEARING ON FIRST PHASE REGULATION.

SEPTEMBER, 1977 -- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION REPORT.

DECEMBER, 1977 -- FINAL PROMULGATION OF FIRST PHASE REGULATION.

JANUARY, 1978 -- FINAL BACER REPORT.

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JUNE, 1978 -- PROPOSED SECOND PHASE REGULATION TO BE PUBLISHED IN THE FEDERAL REGISTER.

JULY, 1978 -- INFORMAL PUBLIC HEARING ON THE SECOND PHASE REGULATION.

DECEMBER, 1978 -- FINAL PROMULGATION OF THE 2ND PHASE REG. FDA PROPOSED REGULATORY ACTION

FDA INTENDS TO PROPOSE PHASEOUT OF NON-ESSENTIAL USES OF FDA-REGULATED PRODUCTS OF THE SAME COMPOUNDS COVERED BY THE EPA PROPOSAL. THE FDA STAFF HAS WORKED CLOSELY WITH EPA FOR THE PURPOSE OF DEVELOPING A COORDINATED PROPOSAL TO THE EXTENT FEASIBLE. THE FDA PROPOSAL IS EXPECTED

TO BE ISSUED ABOUT THE SAME TIME AS THE EPA PROPOSAL IS
ISSUED, AND THE DETAILS WILL BE AVAILABLE TO ALL AT THAT
TIME.

ON NOV. 26, 1976, FDA PROPOSED A REGULATION THAT WOULD
REQUIRE A WARNING ON AEROSOL CONTAINERS OF FOODS, DRUGS,
COSMETICS, AND MEDICAL DEVICES THAT CONTAIN CHLOROFLUORO-
CARBONS. THE WARNING WOULD ALERT THE PUBLIC TO THE RISKS
OF STRATOSPHERIC OZONE DEPLETION FROM THE USE OF CHLORO-
FLUOROCARBONS. ESSENTIAL PRODUCTS WOULD BE EXEMPT. FDA
EXPECTS TO ISSUE A FINAL REGULATION RELATING TO THIS
WARNING REQUIREMENT ABOUT THE SAME TIME AS THE PHASEOUT
IS PROPOSED. THE REASONS WHY FDA HAS PROPOSED TO INITIATE
REGULATORY ACTION WITH RESPECT TO THE USE OF CHLORO-
FLUOROCARBON, AND FDA PROPOSED CRITERIA FOR ESSENTIALITY
DETERMINATION ARE STATED IN THE FEDERAL REGISTER OF
NOV. 26, 1976 (VOL. 40, PAGE 52071).
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Message Attributes

Automatic Decaptioning: X
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Disposition Approved on Date:
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Disposition Event:
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Executive Order: N/A
Errors: N/A
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